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DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2007 JUL -6 PM 3: 50

In re Application of

EWALD A. TERPETSCHNIG, JOHN
C. OWICKI, and SUDHIR S. DESHPANDE

Date: June 29, 2007

Serial No. : 09/768,742

Examiner Ann Y. Lam

Filed : January 23, 2001

Group Art Unit 1641

For : IMPROVEMENTS IN LUMINESCENCE ASSAYS

Commissioner for Patents

REFUND SECTION

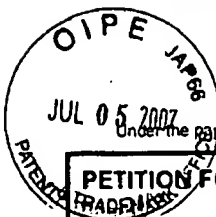
P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

REQUEST FOR REFUND

Applicant respectfully requests a refund in the amount of \$510.00 for an overpayment made in connection with a "Response to Non-Final Office Action" filed in the above-identified patent application. The Response to Non-Final Office Action was submitted on June 8, 2007 via the U.S. Patent and Trademark Office's EFS-Web Electronic Filing System. The Response was accompanied by a petition for a three-month extension of time and payment in the amount of \$1,020.00 was made via Deposit Account No. 11-1540 for the associated extension fee. Applicant later realized that it should only have paid one-half this amount, i.e., \$510.00, because applicant is entitled to pay small-entity fees on this application. Copies of the



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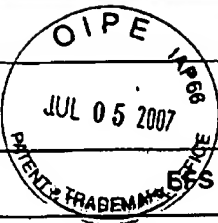
PTO/SB/22 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) LJL 32901	
Application Number 09/768,742		Filed January 23, 2001	
For IMPROVEMENTS IN LUMINESCENCE ASSAYS			
Art Unit 1641		Examiner Ann Y. Lam	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ <u>1,020.00</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>11-1540</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>42,253</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
<u>Stanley M. Hollenby</u> Reg. No <u>47,658</u> for <u>James R. Abney</u>		<u>June 8, 2007</u>	
Signature		Date	
<u>James R. Abney</u>		<u>(503) 224-6655</u>	
Typed or printed name		Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>one (1)</u> forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

COPY



Electronic Acknowledgement Receipt

EFS ID:	1856234
Application Number:	09768742
International Application Number:	
Confirmation Number:	3871
Title of Invention:	Luminescence assays
First Named Inventor/Applicant Name:	Ewald A. Terpetschnig
Correspondence Address:	KOLISCH, HARTWELL, DICKINSON McCORMACK & HEUSER Suite 200 520 S.W. Yamhill Street Portland OR 97204 US 5032246655
Filer:	James R. Abney/Margaret Burton
Filer Authorized By:	James R. Abney
Attorney Docket Number:	LJL 32901
Receipt Date:	08-JUN-2007
Filing Date:	23-JAN-2001
Time Stamp:	18:48:56
Application Type:	Utility

COPY

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 1020
RAM confirmation Number	2755

Deposit Account

111540

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1		06-08-07_Response_to_Non-Final_Office_Action_AS-FILED_LJL32901.pdf	485207	yes	11
Multipart Description/PDF files in .zip description					
Document Description			Start	End	
Amendment - After Non-Final Rejection			1	1	
Claims			2	5	
Applicant Arguments/Remarks Made in an Amendment			6	11	

Warnings:**Information:**

2	Extension of Time	06-08-07_Petition_for_Extension_of_Time_AS-FILED_LJL32901.pdf	83929	no	1
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Warnings:**Information:**

3	Fee Worksheet (PTO-06)	fee-info.pdf	8127	no	2
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Warnings:**Information:****Total Files Size (In bytes):**

577263

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the Indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

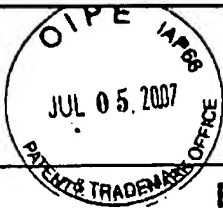
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

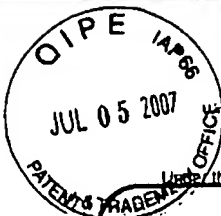


Electronic Patent Application Fee Transmittal

Application Number:	09768742			
Filing Date:	23-Jan-2001			
Title of Invention:	Luminescence assays			
First Named Inventor/Applicant Name:	Ewald A. Terpetschnig			
Filer:	James R. Abney/Margaret Burton			
Attorney Docket Number:	LJL 32901			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	1253	1	1020	1020

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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1020

Dept Ref
Room NoPTO/SB/21 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/768,742
Filing Date	January 23, 2001
First Named Inventor	Ewald A. Terpetschnig
Art Unit	1641
Examiner Name	Ann Y. Lam
Attorney Docket Number	LJL 32901

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Receipt Postcard + copies of previously filed documents: - Petition for Extension of Time - Electronic Acknowledgement Receipt - Elec. Patent Applic. Fee Transmittal
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kolisch Hartwell, P.C.		
Signature			
Printed name	James R. Abney		
Date	June 29, 2007	Reg. No.	42,253

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Margaret R. Burton	Date	June 29, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Filer:	James R. Abney/Margaret Burton			
Attorney Docket Number:	LJL 32901			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:	<div style="text-align: right; font-size: small;"> Adjustment date: 07/18/2007 MGE BREH1 06/11/2007 INTEFSJ 00002755 111540 09768742 01 FC:1253 1020.00 CR </div>			
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:	07/18/2007 MGE BREH1 00000005 111540 09768742			
Extension-of-Time:	01 FC:2253 510.00 DA			
Extension - 3 months' with \$0 paid	1253	1	1020	1020

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1020